

## **II. RESPONSE TO OFFICE ACTION**

### **A. Status of the Claims**

Claims 1-90, a total of 90 claims were pending at the time of the Action.

Applicants have cancelled claims 1-53 (53 claims), 55-82 (28 claims), and 86-90 (5 claims), without prejudice or disclaimer in the Amendment submitted herewith. Therefore, Applicants have cancelled a total of 86 claims.

Claims 54 and 83-85 were deemed allowable in the Office Action mailed September 1, 2004. Action at page 14. Consequently, claims 91-175 have been added as dependent claims from these allowable claims. Therefore, Applicants have added a total of 85 dependent claims in the Amendment, which is one claim less than the number of cancelled claims.

New dependent claims 91-175 are allowable, because the claims from which they depend were found allowable in the Action.

The entry of new claims 91-175 does not result in the entry of new matter into the case. The new claims correspond to the cancelled claims, and thus, the subject matter of the new claims has already been examined. With the exception of claims 95 and 137, all of claims 91-175 essentially correspond to previously rejected dependent claims. Further, claims 95 and 137, while not having a precise counterpart in the previously dependent claims, merely incorporate limitations from two previous dependent claims into a single dependent claim. The table indicates the support for claims 91-175 in the previously depending claims.

Furthermore, the addition of new dependent claims 91-175 cannot present prior art or other issues. The subject matter of claims 91-175 was previously examined in the context of now cancelled dependent claims 3-19, 21, 23, 25, 27-40, 42, 46, 48, 53, and 86-90, as set forth in the table below, and any rejections to the subject matter of these claims have been overcome by the fact that that subject matter now depends from claims found allowable in the Action. The

only art rejections to the subject matter of previous claims 3-19, 21, 23, 25, 27-40, 42, 46, 48, 53, and 86-90 were based upon their dependence from rejected base claims. The only other rejections to the subject matter of previous claims 3-19, 21, 23, 25, 27-40, 42, 46, 48, 53, and 86-90 were based on 35 U.S.C. § 112, second paragraph, because they were dependent from claim 1, which was held to have an indefiniteness defect. Because claims 91-175 depend from claims found to be allowable in the Action, the subject matter of those claims cannot be subject to rejection over any issues of prior art or 35 U.S.C. § 112.

| Added Claim(s) | Former Claim |
|----------------|--------------|
| 91 and 133     | 3            |
| 92 and 134     | 4            |
| 93 and 135     | 5            |
| 94 and 136     | 6            |
| 95 and 137     | 5 and 6      |
| 96 and 138     | 7            |
| 97 and 139     | 8            |
| 98 and 140     | 9            |
| 99 and 141     | 10           |
| 100 and 142    | 11           |
| 143            | 12           |
| 144            | 13           |
| 101 and 145    | 14           |
| 102 and 146    | 15           |
| 103 and 147    | 16           |
| 104 and 148    | 17           |
| 105 and 149    | 18           |
| 106 and 150    | 19           |
| 107 and 151    | 21           |
| 108 and 152    | 23           |
| 109 and 153    | 25           |
| 110 and 154    | 27           |

| Added Claim(s) | Former Claim |
|----------------|--------------|
| 111 and 155    | 28           |
| 112 and 156    | 29           |
| 113 and 157    | 30           |
| 114 and 158    | 31           |
| 115 and 159    | 32           |
| 116 and 160    | 33           |
| 117 and 161    | 34           |
| 118 and 162    | 35           |
| 119 and 163    | 36           |
| 120 and 164    | 37           |
| 121 and 165    | 38           |
| 122 and 166    | 39           |
| 123 and 167    | 40           |
| 124 and 168    | 42           |
| 125 and 169    | 46           |
| 126            | 48           |
| 127 and 170    | 53           |
| 128 and 171    | 86           |
| 129 and 172    | 87           |
| 130 and 173    | 88           |
| 131 and 174    | 89           |
| 132 and 175    | 90           |

In view of the above, claims 54, 83-85, and 91-175 will be pending upon entry of the Amendment.

**B. Incorporation by Reference**

The specification has been objected to for improper incorporation by reference. This rejection is based on the paragraph at page 80, lines 2-4, of the specification. Applicants have deleted the paragraph at page 80, lines 2-4, of the specification in the Amendment submitted herewith. Therefore, this rejection is moot. Applicants would note that specific incorporations by reference do occur in the specification, but that no rejections have been made based upon that text.

In view of the above, Applicants request withdrawal of this rejection.

**C. Amendment to Specification**

The specification has been amended to eliminate a hyperlink and replace it with comparable language.

**CONCLUSION**

Applicants believe that the foregoing remarks fully respond to all outstanding matters for this application. Applicants respectfully request that the rejections of all claims be withdrawn because they are in condition for allowance. At the very least, Applicants request entry of these amendments in order to place the case in better form for an appeal.

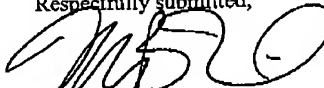
Should the Examiner desire to sustain any of the rejections discussed in relation to this Response, the courtesy of a telephonic conference between the Examiner, the Examiner's supervisor, and the undersigned attorney at 512-536-3035 is respectfully requested.

### III. REQUEST FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. § 1.136(a), Applicants petition for an extension of time of one month to and including January 1, 2005, in which to respond to the Final Office Action dated September 1, 2004.

The Commissioner is hereby authorized to deduct the extension fee, or any other fees under 37 C.F.R. §§ 1.16 to 1.21 required for any reason, from Fulbright & Jaworski Deposit Account No. 50-1212/AMBI:076US

Respectfully submitted,



Mark B. Wilson  
Reg. No. 37,259  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201  
(512) 536-4598 (facsimile)

Date: December 3, 2004